

Abstract

My diploma thesis called „Distribution Agreements“ treats of distribution agreements as one possible way of distribution of products. Distribution agreements are a type of distribution relations arrangement where the purchaser buys products from the supplier in order to distribute them.

The topic of distribution agreements is interesting especially from the reason that the distribution agreements are a very frequent and necessary legal instrument in business relations, but are not legally regulated on national, european or even on the international scale. Neither the law theory treats of them too much. On the other side, there is a quite broad decision practice of Competition Authority and practice of the European Court of Justice. These decisions were used as a basis of this thesis.

Distribution agreements do not only handle the contractual relationship, but they have often anti-competitive effects. In this diploma thesis I handle both the aspect of contractual law and the aspect of competition law. The aim of the work is especially to describe the distribution agreement in the sence of an innominate contract type and to determine its essentials. The core of the work is a categorization of distribution agreements into individual types of distribution agreements, their characteristics and finding particular effects on the competition by analysing practical exemples.

The whole work is divided into three chapters. First chapter concerns the general information about distribution agreements and contains especially explanation of some terms concerning this type of distribution, legal regulation and definition of distribution agreements from the point of view of the contractual law and the competition law.

Second chapter is aimed to the study of the framework distribution agreement which is supposed to be a base of the other types of distribution agreements. In this part, I follow both the essenials of the distribution contract and also a framework contract in general meaning as an other innominate institute of the contractual law.

The third chapter overviews particular types of ditribution agreements. In this place, I discuss exlusive distribution and suply agreements, exclusive purchasing and single branding agreements, selective distribution system and franchising agreements. In the end of this chapter, some other vertical agreements which constitute often a part of a distribution contract and might affect the competition are analysed.

The diploma thesis presents a compact view on the distribution agreements especially on the basis of practical experiences, decision practice of competition authorities and of the courts and interpretation documents of European Commission and illustrates a method of examination of their anti-competitive character.